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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

EDWARD N. SMITH, an individual;

Plaintiff,

v.

U.S. BANK, N.A., a national banking
association doing business as ELAN
FINANCIAL SERVICES; BMW FINANCIAL
SERVICE N.A., LLC, a foreign limited liability
company; FRY'S ELECTRONICS, INC. dba
FIRST ELECTRONIC BANK, a foreign
corporation; EQUIFAX, INC., a foreign
corporation; EXPERIAN INFORMATION
SOLUTIONS, INC., a foreign corporation;

Defendants.

Case No.: 2:15-cv-02207-RFB-PAL

**STIPULATION AND ORDER FOR
DISMISSAL OF FIRST ELECTRONIC
BANK WITH PREJUDICE**

Plaintiff, Edward N. Smith, and defendant First Electronic Bank ("FEB") (incorrectly captioned as Fry's Electronics, Inc. dba First Electronic Bank), stipulate and agree, by and through their respective attorneys of record, and subject to the court's approval, that pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the above-captioned matter is

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hereby dismissed with prejudice as to FEB, with each party bearing their own attorneys' fees and costs incurred herein.

RESPECTFULLY SUBMITTED.

DATED this 9th day of February, 2016.

DATED this 9th day of February, 2016.

**LAW OFFICE OF
KEVIN L. HERNANDEZ**

BALLARD SPAHR LLP

/s/ Kevin L. Hernandez
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/s/ Sylvia O. Semper
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Attorneys for First Electronic Bank.

**ORDER OF DISMISSAL WITH PREJUDICE AS TO DEFENDANT FIRST
ELECTRONIC BANK**

Pursuant to the foregoing stipulation of plaintiff and FEB under FRCP 41(a), defendant FEB shall be dismissed with prejudice, and each party shall bear their own attorneys' fees and costs.

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
United States District Judge
DATED: February 14, 2016.